UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/33/Add.2
20 July 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Subcommission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Item 18 of the provisional agenda

PROTECTION OF MINORITIES

# Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

## Report of the Secretary-General prepared pursuant to Subcommission resolution 1994/4

## Addendum

## Comments submitted by the Government of the United Kingdom of Great Britain and Northern Ireland

## Measures to be taken at the national level

Paragraph 1

1. It is a fundamental objective of the Government of the United Kingdom to enable members of ethnic minorities to participate freely and fully in the economic, social and public life of the nation, with all the benefits and responsibilities which that entails, while still being able to maintain their own culture, traditions, language and values. Government action is directed towards addressing problems of discrimination and disadvantage which prevent members of ethnic minorities from fulfilling their potential as full members of British society. It should be noted that almost 50 per cent of those from an ethnic minority background were in fact born in the United Kingdom, and that 75 per cent are United Kingdom citizens.

2. The Government does not permit or allow any artificial barriers on the grounds of race, nationality or colour which might affect this basic aim. All citizens of the United Kingdom have the same rights under the law.

Paragraph 4

3. The United Kingdom Government could not accept that human rights education should be made a core curriculum subject in primary education.

4. However, the opportunity to address human rights arises in a number of contexts across the curriculum, most obviously in the course of studying history. For example, in the new National Curriculum for history, which will be introduced in September 1995, pupils at ages 11 to 14 will be taught a unit called "the twentieth-century world". They will have to be taught about "the legacy of the Second World War for Britain and the world" and this will almost inevitably include topics such as the Charter of the United Nations and the Universal Declaration of Human Rights, which are given as illustrative examples.

Paragraph 5

5. The United Kingdom has a long tradition of freedom of speech which allows individuals to hold and express views which may be contrary to those of the majority of the population, and which many may, and indeed do, find distasteful or even offensive. Successive Governments have held the view, however, that individuals have the right to express such views so long as those views are not expressed violently or do not incite violence or hatred against others.

Paragraph 6

6. The views of extremist or racist organizations are obnoxious and entirely repugnant to the United Kingdom Government. If the activities of such groups or their members breach the law, they are liable to be dealt with by the police under public order and criminal legislation. There is already provision under the present criminal law, which deals effectively with offences which may have a racial motivation, such as assaults. There is also legislation to address conduct which is intended or is likely to stir up racial hatred and conduct which involves the incitement of others to racial hatred. The Government has no power to ban individuals or organizations on the grounds that they hold extreme or racist views, nor does it have any present plans to take such powers.

Paragraph 7

7. In the United Kingdom, policies to combat discrimination against minorities are the responsibility of a number of different government departments. The Government does not believe that it would be helpful or cost effective for another body to be established with the sole purpose of making proposals for implementing the International Convention on the Elimination of All Forms of Racial Discrimination and the 1992 Declaration on minorities.

Education, language and culture

Paragraph 8

8. This recommendation would not be acceptable to the United Kingdom. We could not accept anything which infringed United Kingdom policy that English should be the normal medium of instruction in all schools in England. We also think that it is necessary to define what is meant by a "regional" language. Does this apply only to autochthonous minorities such as Welsh and Gaelic speakers?

Paragraph 9

9. This would not be acceptable to the United Kingdom. The view of the Government is that the maintenance of the culture of minority ethnic groups is primarily the responsibility of the minority ethnic community concerned. This is not a responsibility of government. With about 200 different mother tongues and cultures represented in United Kingdom schools, there are clearly severe practical limitations on what the mainstream education system could be expected to provide.

Paragraph 10

10. It is not clear what is involved here. The Government would not wish to add "tolerance" as a special area to be covered in the curriculum, and it is not clear how this could be done in practice.

11. However, it is the policy of the Government that schools should preserve and transmit our national values in a way which accepts Britain's ethnic diversity and promotes tolerance and harmony between groups. A form of words along these lines might be acceptable.

Paragraph 11

12. This is broadly acceptable to the United Kingdom. Pupils will learn about the cultures of other groups as part of their study of many subjects in the curriculum (Geography, History and Languages). Also, the remit to the School Curriculum and Assessment Authority requires it in exercising its functions to take account of the ethnic and cultural diversity of British society and the importance of promoting equal opportunities for all pupils regardless of ethnic origin and gender.

Civil rights

Paragraph 13

13. The United Kingdom Government is firmly committed to the elimination of all forms of racial discrimination and to the promotion of equality of opportunities. Its commitment to eliminating the barriers to full participation is expressed in two main ways. First in legislation: the United Kingdom has some of the most stringent and comprehensive anti-discrimination legislation in Europe. These laws make racial discrimination in employment and in the provision of goods and services

generally unlawful. There is a statutory body - the Commission for Racial Equality - which promotes the law and offers advice and guidance on how to avoid racial discrimination. The second leg of this policy is in the many programmes and initiatives which have been introduced to regenerate the economy, particularly in the inner cities, where the benefit is felt especially by many ethnic minority communities.

14. The United Kingdom Government is also committed to providing strong protection for ethnic minorities against harassment and violence within the overall framework of the criminal law and of the pattern of rights and principles enjoyed by the population at large, which fit into the broader systems of freedoms and rights to individual expression and free speech which the United Kingdom enjoys.

Economic and social rights

Paragraph 14

15. See response to paragraph 13 above. The same rights apply to civil, economic and social rights.

Paragraph 15

16. The United Kingdom now has extensive experience of the type of monitoring recommended in paragraph 15, through ad hoc surveys, ethnic record keeping in government employment and services (including the criminal justice system), the national Census and major statistical series such as the Labour Force Survey. This experience suggests that, while such data can be very valuable, caution is needed in making any general prescription in this field. In particular, we would suggest that the resource and possible political implications can only be justified where:

(a) A form of question can be found which is acceptable to all sections of the population and which is appropriate in identifying the groups most at risk for policy purposes (including, where relevant, the second and subsequent generations of immigrant groups);

(b) Data quality and completeness can be assured, along with safeguards of confidentiality;

(c) Other relevant data are available for the purposes of analysing the data in order to avoid automatic assumptions - which may be both misleading and dangerous - that apparent differences between groups are directly connected with race or ethnicity.

17. At the risk of being presumptuous, we would also caution against anticipating that it will be possible to make meaningful international comparisons on the basis of such data. There are two main reasons for this. One is that different countries will, rightly, need to use different ethnic/racial categories and to collect different types of data depending on their particular needs and circumstances. And the other is that the sources

and quality of data are likely to vary considerably from one country to another, such that comparisons may often be inappropriate, not to say unsafe.

Paragraph 16

18. The United Kingdom planning system is designed to regulate the development and use of land in the public interest. "Development" comprises building and engineering operations and material change of land use. The system is not designed to protect one individual's interests against another's. Planning permission runs with the land and the identity of the applicant is not normally a land-use consideration. The Government sets the overall planning policy framework, but the vast majority of planning decisions are taken by local planning authorities, which are autonomous elected bodies.

19. Authorities are required to publicize all applications for planning permission, so that people likely to be affected by a proposed development can express their views before decisions are taken. Authorities have to notify neighbours directly or place a notice on or near the site on which development is proposed. For major applications - including, for example, development involving waste disposal and mineral working - a local newspaper advertisement is additionally required, in order to canvass views more widely on the likely impact on amenity and the environment. This approach imposes a minimum statutory duty whilst giving authorities a reasonable flexibility to decide the most suitable means of publicity in each case.

Effective political participation

Paragraph 17

20. The United Kingdom has a liberal tradition of according political rights to residents of foreign nationality. As well as British citizens, resident citizens of Commonwealth countries and of the Irish Republic enjoy full electoral rights, and, following the Treaty on European Union, Union citizens enjoy some electoral rights. There are, however, no plans to extend the franchise for elections to national parliamentary elections to any groups which are not currently enfranchised. No national system of special measures exists to ensure minority representation on elected bodies, such precautions being a matter for individual political parties to consider in their own right.

Recourse and conciliation machineries

Paragraphs 21-22

21. Racial discrimination in employment, education and the provision of goods and services is unlawful under United Kingdom race relations legislation. Cases are dealt with by industrial tribunals and the courts. The Commission for Racial Equality may also mount formal investigations, issue non-discrimination notices and/or make recommendation for changes to practices where it believes racial discrimination is occurring.

---